

Below is the Order of the Court.



A handwritten signature in black ink, reading "Karen A. Overstreet", is written over a horizontal line.

Karen A. Overstreet  
U.S. Bankruptcy Judge  
(Dated as of Entered on Docket date above)

Judge: Karen A. Overstreet  
Chapter: 7

**UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re:

**Jacob Buttnick**

No. 13-20151-KAO

**ORDER GRANTING MOTION TO APPOINT  
CHAPTER 11 TRUSTEE**

This matter came before the Court on Friday, December 20, 2013 upon the motion of the Bankruptcy Estate of Jolan Inc and Larry Miyatovich for an order directing the appointment of a Chapter 11 Trustee pursuant to 11 U.S.C. §1104(a).

The Court reviewed the Motion to Appoint a Chapter 11 Trustee; the Declaration of Jason Amala; Declaration of Denice Moewes; the Response to the Motion for Order Directing Appointment of Chapter 11 Trustee filed by Fairview Investment Fund I, LLC; the Response to Motion for Appointment of Chapter 11 Trustee filed by Foundation Bank; Joinder in Response to ORDER GRANTING MOTION TO APPOINT CHAPTER 11 TRUSTEE

**Wood & Jones, P.S.**  
303 N. 67<sup>th</sup> Street  
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1 Motion to Appoint Chapter 11 Trustee filed by Whidbey Island Bank; Intervenor's Response to  
2 Motion to Appoint Trustee filed on behalf of Simon Shriki; Response filed by the debtor;  
3 Declaration of Jacob Buttnick; Amended Declaration of Jacob Buttnick; Reply of Jolan Inc and  
4 Lance Miyatovich to Objection to Motion to Appoint Chapter 11 Trustee by Jolan Inc.; the  
5 Debtor's sworn petition, schedules, statement of financial affairs; the records and files herein;  
6 and heard the arguments of counsel. The Court being full advised in the premises made an oral  
7 ruling which pursuant to Fed.R.Bankr.P 7052 contains the Court's findings of fact and  
8 conclusions of law. The Court finds and concludes that under the undisputed facts referenced in  
9 the Court's oral ruling that:  
10

- 11 1) Cause exists to appoint a trustee pursuant to 11 U.S.C. §1104(a)(1); and
- 12 2) Appointment of a trustee is in the best interests of creditors pursuant to 11 U.S.C.  
13 §1104(a)(2).
- 14
- 15

16 Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

- 17 1) The Motion to Appoint a Chapter 11 Trustee is GRANTED;
- 18 2) The United States Trustee shall select an individual for appointment as a Chapter 11  
19 Trustee herein;
- 20 3) Such individual shall be a disinterested person as defined in 11 U.S.C. §104(14) who is  
21 otherwise qualified to be trustee; and
- 22 4) Upon selection, the United States Trustee shall submit to the Court an application  
23 appointing the selected individual as the Chapter 11 Trustee;
- 24 5) The Trustee to be appointed shall have all the rights and duties specified in 11 U.S.C.  
25 §1106.
- 26
- 27

28 //End of Order//

1 Presented by:

2 WOOD & JONES, P.S.

SCHWEET LINDE & COULSON, PLLC

3 /s/ Denice E. Moewes

/s/ Thomas S. Linde

4 Denice E. Moewes, WSB 19464

Thomas S. Linde, WSBA #14426

5 Attorney for Michael McCarty

Attorney for Lance Miyatovich

Chapter 7 Trustee of the Estate of Jolan, Inc and  
Lance Miyatovich (the "Jolan Group")

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